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THE NAME OF THE MEKILTA¹

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THE name 'Mekilta' or 'Mekilta de-Rabbi Ishmael' by which the Halakic or Tannaitic Midrash to Exodus is designated, has been the subject of considerable discussion among Jewish scholars. Many valuable suggestions have been made, many good ideas have been offered, but so far no satisfactory theory has been advanced which would explain, convincingly and satisfactorily, the origin and the meaning of this name, and why it was applied as a special designation to this Midrash in particular. This, to my mind, is due mostly to the fact that the scholars who discussed this question accepted as established facts certain ideas for which, in reality, there was no foundation at all. The result of such an acceptance of wrong and unfounded premises by these scholars was that they reached wrong conclusions, and failed to find the correct answer to the question. Some of them reason in a circle. They take for granted what they set out to prove, and then proceed to prove it on the basis of what they have taken for granted and assumed as facts. Others, again, while having correct

¹ The plan of the Jewish Classics for which series I am preparing a new critical edition of the Mekilta provides but limited space for Introductions. I am, therefore, publishing here part of what should be an introduction to my new edition of the Mekilta. The next article will deal with the arrangement and the divisions of the Mekilta.

The views as to the meaning of the name Mekilta, expressed by me in the *Jewish Encyclopedia*, vol. VIII, 5. 444 f., are hereby abandoned.

ideas and good suggestions, failed to follow up their correct ideas or good suggestions by further research, and a thorough investigation of the question, all because they could not or would not rid themselves of certain pre-conceived notions as to the meaning of the name, 'Mekilta'. I say this, not in mere criticism of the scholars whose answers to our question are unsatisfactory, but by way of an apology for the rather lengthy and detailed discussion which I am about to give to this subject.

The best method to follow in the attempt to solve our problem seems to me to be the one of dividing the problem into its different parts, and treating each part separately. Accordingly, we must seek to answer the following three questions:

First: When did the name 'Mekilta' first come into use, i. e. when and by whom was it applied as a special designation for our Midrash in particular?

Second: What is the exact meaning of this term, and in what sense was it used at the time when it was applied as a special name to our Midrash?

Third: Does our Midrash possess any characteristic feature, distinguishing it from other Midrashim of its class, so as to justify its having a special name, and is this characteristic feature indicated by or expressed in this special designation? In other words, does the designation Mekilta especially fit our Midrash to Exodus?

As to the first question, when and by whom this name was given to our Midrash in particular, Z. Frankel has stated correctly, that the designation Mekilta was not given to our Midrash by R. Ishmael to whom our Midrash is ascribed (*Monatsschrift*, 1853, p. 392). I believe we can go further, and state with all certainty that the name

Mekilta was not given to our Midrash by its Redactor, whoever he was. The name Mekilta was given to our Midrash by others, and at a much later time than its redaction, to describe or characterize by this designation some peculiarity of this Midrash. The approximate time when this designation was applied to our Midrash can be fixed by ascertaining the period of time during which our Midrash was not known under this special name, or was even called by another name.

The Talmud does not know our Midrash by the name of Mekilta. The term Mekilta in the passage of p. Abodah Zarah IV, 8 (44 b) does not refer to our Midrash as Weiss (*Introduction to the Mekilta*, p. xviii) would have it (see below, and comp. Friedmann, *Introduction to the Mekilta*, p. xxxi). Nor can we consider seriously the other suggestion made by Weiss (*ibidem*), to correct the text in all those talmudic passages where, beside ספרא and ספרי, there is mentioned הילכתא, and to read מכילתא instead of הילכתא (see Friedmann, *Introduction*, p. xxxiv). Without entering into any discussion of the question whether or not the Talmud knew our Midrash, in the form in which it is preserved to us, we can state with all certainty that it did not know it under the name of Mekilta. Whatever Tannaitic Midrash to Exodus the Talmud did know, or in whatever form such a Midrash may have existed in Talmudic times, it was considered as a part of the collection of Tannaitic Midrashim to the three books of the Torah, Exodus and Numbers and Deuteronomy, and was included in the general title, 'Sifre debe Rab',² given to this

² Or שאר ספרי דבי רב, i.e. the other books of the Pentateuch, besides Leviticus, containing laws; see Hoffmann, *Zur Einleitung in die halachischen Midraschim*, Berlin, 1887, p. 40, and *Zur Einleitung in die Mechilta de-Rabbi Simon ben Jochai*, Frankfurt a. M., 1906, pp. 2 and 5, note 1.

collection of Midrashim in the Talmud, but it did not have any special name for itself.

This fact, that the Tannaitic Midrash to Exodus formed part of the 'Sifre' mentioned in the Talmud is attested by the best rabbinic authorities, and accepted by almost all modern scholars.

This including of the Midrash to Exodus in the collection of the other Midrashim and calling it by the name of Sifre, which we observed in the Talmud, continued also in post-talmudic times throughout the entire period of the Geonim, and is found also among early rabbinic authorities of the period after the Geonim.

I shall arrange here in chronological order those post-talmudic authorities who did not know our Midrash under the name of Mekilta, but refer to it under the name of Sifre; then, those authorities who occasionally use the term מכילתא, not as a name, but as a description of our Midrash or of parts of it; and finally, those authorities who use the term מכילתא as a designation or as *the* name for our Midrash. This will show us the time when the name Mekilta was given to our Midrash, or since when this name became its special designation.

Among the Geonim of the ninth century our Midrash was not known by any special name, but was included in Sifre. Amram Gaon includes our Midrash in the Sifre, see L. Ginzberg, *Geonica*, II, pp. 307, 329. In another Gaonic responsum of the ninth century, published by Ginsberg (*ibidem*, pp. 37-9), there is given an interesting explanation of the meaning of the word מכילתא, which we shall discuss further on. What interests us at this point is that, apparently, neither the questioner nor the respondent knew of a Midrash called by the name of Mekilta.

The author of the Seder Tannaim we-Amoraim does not know of any special name for the Midrash to Exodus. He plainly states that this Midrash, together with the Midrash to Numbers and Deuteronomy, is called by the name Sifre.

The statement reads as follows: **וספרי שהן חומש ואלה שמות וחומש הפקודים וחומש משנה תורה**. This is the original and correct reading of the passage as given in the following editions of the Seder Tannaim we-Amoraim: S. D. Luzzatto in *Kerem Chemed*, IV, p. 193; Filipowski's edition of the *Yochsin*, London, 1857 (p. 253; comp. Vitry, 492); Graetz, *Einleitung in den Talmud* (Breslau, 1871, p. 32); A. Marx, *Neue Texte des Seder Tannaim we-Amoraim*, p. vi.

It is true in the edition of the Seder Tannaim we-Amoraim published by H. J. D. Azulai in his **ועד לחכמים**, there is found a reading which mentions our Midrash by the name Mekilta. The passage reads: **מכילתא שהיא ספר ואלה שמות מן החודש הזה לכם עד סוף ספרא**. But this is not the correct reading. It is a variation made by a later hand, by one who already knew that the Midrash to Exodus was described as **מכילתא**. The same is to be said about the passage in Halakot Gedolot at the end of **הלכות הספר** (editio Vienna, 1810, p. 106 a),³ where we find the following reading: **וספרי שהן ארבעה ספרי ואילו הן בראשית רבא ומכילתא דואלה שמות וספר וידבר ואלה הדברים**. Here also the original text had only the passage **וספרי שהן** and the words that follow, from **ואילו הן** to **ואלה הדברים**, are a later interpolation, explaining the foregoing statement (see L. Ginsberg, *Orientalistische Literaturzeitung*, 1910, No. 5, p. 227). We cannot determine the time

³ This passage of the Halakot Gedolot is also found in the Gaonic **סידור פרשיות של ימים טובים**, published by Ch. M. Horowitz in **תורתן של ראשונים**, Frankfurt a. M., 1881, p. 43.

when the author of this explanatory interpolation lived. It is evident, however, that even in his time the Midrash to Exodus was still considered as part of the Sifre, and included in this name. The author merely wishes to give a description of this part of the Sifre, the Midrash to Exodus, for which description he uses the term מכילתא.

Of the Geonim of the tenth century, Saadya is the only one of whom it could possibly be said that he referred to our Midrash under the name of Mekilta. In a Genizah, fragment cited by Harkavy in *Hakedem*, I, 1907, p. 127 and supposed to contain statements of Saadya, there is found the following passage, ועל זה מוכיחים כבר דבריהם במכילתא, ואלה שמות בבאור דבור לא תעשון אחי, referring to the saying found in our Mekilta (Bahodesh X, Weiss 79 b). It is apparent, however, that the term מכילתא in this passage is used as a description, and not as a designation for the Midrash to Exodus. Had מכילתא been the designation or name of the Midrash to Exodus, the additional words ואלה שמות would have been entirely unnecessary.⁴ Just as we never say ספרא ויקרא, except, of course, when we wish to refer to a passage in Sifra belonging to the Sidra Wayikra because Sifra is known to be the name of the Midrash to Leviticus, so it could not have been said מכילתא דואלה שמות, if Mekilta had been known as the name of the Midrash to Exodus. It is even more likely that the term מכילתא שמות in this passage, as well as in the interpolation to the Halakot Gedolot and in Azulai's version of the

⁴ To argue that the words דואלה שמות were added to distinguish the Midrash to Exodus from Midrashim to other books of the Pentateuch, likewise, called Mekilta, would take for granted that the Geonim designated by the name 'Mekilta' not only the Midrash to Exodus but also other Midrashim, when, as a matter of fact, we have no proof for their having known even the Midrash to Exodus by that name.

Seder Tannaim we-Amoraim, simply means 'the collection, or collections,⁵ of Midrashim to the book of Exodus'. In a responsum by a Gaon who lived after Saadya (Harkavy, No. 66, p. 31) a passage from our Mekilta (Shirah I, Weiss 41a) is quoted as דברי רבותינו ששנו בשאר ספרי דבי רב. So this Gaon knew our Mekilta by the name of דבי רב and not by the name of Mekilta.

Sherira Gaon does not know our Midrash by the special name of Mekilta. For in his famous epistle in which he mentions Midrash, Tosefta, Sifra, Sifre, and Talmud, when and by whom they were redacted or arranged, he fails to mention the Mekilta. Nor was he asked about the Mekilta in particular. Evidently both his questioner, Jacob of Kairuan, and Sherira himself knew the Midrash to Exodus merely as part of the Sifre and included in this name, and not by the name of Mekilta.

In another responsum addressed to Jacob of Kairuan (Harkavy, No. 262, p. 135) Sherira uses the term מכילתא in the sense of מסכתות or Mishnah collections. Evidently he does not know the term מכילתא as a special designation for the Midrash to Exodus.⁶

Even of the last of the Geonim, Hai Gaon, we cannot state definitely that he knew the Midrash to Exodus by

⁵ The word is probably to be read in the plural form מְכִילָתָא. If in the course of this article I use the form Mekilta, I do so because this has become the generally accepted form, though the proper pronunciation of the name should be in the plural, Mekilata; see below, note 23.

⁶ I cannot accept the suggestion offered by Ginzberg (*Orientalistische Literaturzeitung*, l. c.) that the Geonim might have made a distinction between the use of the term מְכִילָתָא in the singular, as designating the Midrash to Exodus, and the use of the plural מְכִילָתָא in the sense of collections, or מסכתות. For, as a matter of fact, we have no proof whatever for the assumption that the Geonim ever did use the singular מְכִילָתָא as a designation of the Midrash to Exodus.

the name of Mekilta, though it must have been in his time that the Midrash began to be described or called by the name Mekilta. In a responsum of his, probably addressed indirectly to Samuel Hanagid, there is found the following passage in which the term מכילתא occurs: אבל עיקר הא בריתא מספרי דבי רב היא והכין תנו כולו תנאיי ואין ביניהון חילוף יביא עדידה לבית דין וכן הוא אומר כאשר יציל הרועה מפי האריה וגומר ובמכילתא דארץ ישראל ואף על פי שאין ראייה לדבר זכר לדבר שתי כרעים או בדל און.

The Baraita referred to in this passage is the one found in our Mekilta (Mishpatim XVI) though the reading in our Mekilta is somewhat different. Now the Gaon tells us that the origin of this Baraita is in the 'Sifre debe Bab', so he refers to our Mekilta under the name of 'Sifre debe Rab'. The Gaon further tells us that all the versions or editions of this Baraita of the Sifre agree in the reading עדידה. The only difference that exists between the different versions is in the introductory formula with which the Scriptural support is adduced. Instead of the introductory formula וכן הוא אומר, there is found in the Palestinian Mekilta,⁷ the formula ואע"פ שאין ראייה לדבר זכר לדבר. The same formula which the Gaon found in the Palestinian Mekilta is also found in our Mekilta. From the very fact that the Gaon uses the phrase 'ובמכילתא דארץ ישראל', in the Palestinian Mekilata', and contrasts it with the 'Sifre debe Rab', it is evident that he did not know the name Mekilata as being the special designation of the Midrash to Exodus. For had the Midrash to Exodus been known to him under the name Mekilta, the qualifying term 'Palestinian', דארץ

⁷ Here also the word is probably to be read in the plural form ובמכילתא, unless we assume that the Gaon refers only to the one part, or מסכתא, of our Midrash in which the passage is found; see below, note 23.

ישראל, would have been superfluous. It would have been sufficient to say, 'in the Mekilta'.⁸ Again, after having identified this Midrash with the 'Sifre debe Rab', which he told us was the source of the Baraita in question, how could the Gaon, in the same paragraph, call the very same Midrash by another name, and contrast it with the 'Sifre debe Rab'. It is, therefore, evident that, like his father Sherira, Hai Gaon uses the term מכילתא in its general meaning of 'collection', hence the need of the qualifying term 'Palestinian', דארין ישראל, to describe in which collection of the 'Sifre debe Rab' this variant reading was found. The phrase, ובמכילתא דארין ישראל, accordingly means nothing else than a Palestinian version, or edition, of the Sifre debe Rab, or of that part of it dealing with the book of Exodus.

Thus it may be stated that the Geonim, like the Talmud, did not have any special designation for the Midrash to Exodus which they considered and knew only as a part

⁸ The argument that the qualification דארין ישראל might have been necessary to distinguish our Mekilta from the other Mekilta, the one of R. Simon b. Joḥai, assuming that the latter alone was included by the Geonim in the Sifre debe Rab (compare Hoffmann, *Zur Einleitung in die halachischen Midraschim*, p. 36, note 2), does not hold. In the first place, there is no proof for the assumption that only the Mekilta of R. Simon b. Joḥai was identified by the Geonim with the Sifre debe Rab (compare Hoffmann, *Zur Einleitung in die Mechilta de-Rabbi Simeon b. Joḥai*, Frankfurt a. M., 1906, p. 5, where Hoffmann himself expresses some doubts in the matter). On the contrary, we have seen that our Mekilta also was included by the Geonim in the Sifre. But above all, the argument defeats itself. For, if the Mekilta of R. Simon b. Joḥai alone, and not our Mekilta, was included in the Sifre and called by that name, then there was only one Midrash left to be called by the name of Mekilta, and this was our Midrash; and the mere name Mekilta, without the qualification דארין ישראל, would have sufficiently distinguished it from the Midrash of R. Simon b. Joḥai, included in and called by the name of Sifre debe Rab.

of the Sifre. In only two instances we have found that when referring to the Midrash to Exodus the Geonim, Saadya and Hai, use the term מכילתא as a description of that Midrash, but not as its special designation.

It is only outside of Babylon, and by teachers who do not belong to the official schools of the Geonim, that the name מכילתא is used as a special designation, or as the name for the Midrash to Exodus. The first to our knowledge to designate our Midrash by the name of 'Mekilta' or 'Mekilta de-Rabbi Ishmael' were the contemporaries and correspondents of Hai Gaon, R. Nissim of Kairuan and R. Samuel Hanagid of Granada in Spain.

In his work on the Talmud, *Sefer ha-Mafteah* (ed. Goldenthal, Vienna, 1847, p. 44 b, to Sabbath 106 b), R. Nissim, referring to a certain Baraita, states that its origin is in the Mekilta de-Rabbi Ishmael, ועיקר זה הבריתא. בסוף מכילתא דרבי ישמעאל. This Baraita is indeed found at the end of our Mekilta. Nissim, then, knew our Midrash by the specific name of Mekilta de-Rabbi Ishmael. Still more definite is his contemporary, R. Samuel Hanagid, who, in his *Mebo ha-Talmud*, expressly distinguishes the Midrash to Exodus, which he designates by the name of Mekilta de-Rabbi Ishmael, from the Sifre, which he declares to comprise only the two books, Numbers and Deuteronomy. He speaks of מכילתא דרבי ישמעאל ואותיות דרבי עקיבא ותורת כהנים היא ספרא והוא ספר ויקרא לבר וספרי במדבר סיני ואלה הדברים. It was probably from R. Nissim that R. Samuel Hanagid learned to distinguish the Midrash to Exodus from the Sifre, and to apply to the former the specific name of Mekilta de-Rabbi Ishmael. R. Nathan of Rome, a younger contemporary of Samuel Hanagid, likewise distinguishes our Midrash from the Sifre. He declares the Sifre to consist

of the Midrash to only two books—Numbers and Deuteronomy—of the Pentateuch, וישלחו שהן שני חומשי (Aruk, s. v. ספר), while the Midrash to Exodus, which he quotes many times, he calls Mekilta. Accordingly we may state definitely that in the eleventh century some teachers, R. Nissim, R. Samuel, Hanagid, and R. Nathan of Rome, considered the Midrash to Exodus as a Midrash distinct and separate from the Sifre, and they called it by the specific name of Mekilta or Mekilta de-Rabbi Ishmael. And from the twelfth century on we find an increasing number of teachers applying the name 'Mekilta' or 'Mekilta de-Rabbi Ishmael' as a specific designation for the Midrash to Exodus. However, even then the older practice of considering this Midrash as a part of the Sifre and designating it as such still continued. And up to the close of the fourteenth century we find our Midrash called by both its older name ספרי, as well as by its new name Mekilta. Only after that period the older mode of designating our Midrash by the name of Sifre was no more used, and the new name Mekilta, or Mekilta de-Rabbi Ishmael, became its sole name.

Before proceeding to inquire into the meaning of this name, and why it was given to our Midrash in particular, I first wish to cite here those authorities up to the close of the fourteenth century who still considered our Midrash as part of the Sifre, and would quote it by that name. I deem this necessary, for it furnishes additional proof for our theory that Mekilta is the younger name of our Midrash, and that this new name only gradually supplanted the older original name, which was Sifre. Had Mekilta been the original name of our Midrash it would be hard to explain how after the eleventh century, when our Midrash

was certainly already distinguished from the Sifre to Numbers and Deuteronomy and forming a separate work, some authorities should come to designate it by the name of Sifre, a name then already applied as a specific designation for the Midrash to Numbers and Deuteronomy.

R. Gershom b. Judah of Mayence, in his commentary on Temurah 4 a, quotes twice a passage as from Sifre (the second time it is printed by mistake ספרא for סיפרי). This passage is not found in Sifre, but is found in the Mekilta Kaspa I (Mishpatim XIX). But R. Gershom calls our Mekilta by the name of Sifre (see Hoffmann, *Zur Einleitung in die halachischen Midrashim*, p. 72).

R. Solomon b. Isaac (Rashi), who knows our Midrash by the name of Mekilta, and frequently quotes it by that name, and in some passages expressly distinguishes it from the Sifre (see his remark *במכילתא אבל בספרי שנייה חלוקה*, in his commentary on Numbers 11. 20), yet occasionally calls our Midrash by its older name Sifre. Thus in his commentary on Exodus 18. 3, he quotes a saying found in our Mekilta Amalek IV (Yetro II, Friedmann 59 a), and adds to it *כך שנינו בספרי* 'Thus we learn in Sifre'. This saying is not found in Sifre, but Rashi here calls our Mekilta by the name of Sifre. Likewise in a responsum (published by J. Müller in *תשובות חכמי צרפת ולותיר*, Vienna, 1881, No. 25, p. 13) he refers to a passage as being found in the Sifre debe Rab. But the passage in question is not found in Sifre, but in our Mekilta (Bahodesh VII). So here again Rashi calls our Mekilta by the name of 'Sifre debe Rab'.

In his commentary on Job 38. 1, referring to a saying found in the Mekilta Beshalah V (Friedmann 32 a), he uses the phrase *כדמפרש בספרי*. Likewise, in his commentary on

the Talmud (Shabbat 146 a), referring to a saying found in the Mekilta Baḥodesh IX (Friedmann 71 b), he uses the phrase כרתניא בספרי. R. Eliezer b. Nathan, in his Eben ha-Ezer (ספר ראב"ן), paragraph 271, referring to a saying found in our Mekilta Kaspā II (Mishpatim XX, Friedmann 102 b), uses the phrase שנוי בספרי דבי רב. The saying is not found in Sifre. Evidently ראב"ן likewise calls the Mekilta by the name of Sifre debe Rab.⁹ The Tosafists, likewise, occasionally refer to our Midrash under the name of Sifre, although, like Rashi, they also knew it by the name of Mekilta. Thus, in their comments on the Talmud, B. M. 12 b, s. v. מאי בעיא גביה, referring to the statement found in the Mekilta Mishpatim III that a woman cannot sell herself into slavery, use the phrase כראיתא בספרי. In their commentary on the Pentateuch, commenting upon Exod. 12. 30, they quote a passage from our Mekilta (Pisha XIII), and introduce it with the phrase אמרינן בספרי 'We say in Sifre'. Kikewise, in their comment on Exod. 20. 1, they quote a passage from our Mekilta (Baḥodesh IV) with the remark that it is found in Sifre (Sifra is a misprint for Sifre). R. Jacob Tam probably also considered our Mekilta as part of the Sifre, see Ginzberg, *Geonica*, II, p. 329, note 9.

R. Judah b. Eliezer (ריב"א), in his commentary on the Pentateuch (printed together with the commentary of the Tosafists, Warsaw, 1904), also calls our Mekilta by the name of Sifre (see his comment on Exodus 16. 35). And Asheri, in his commentary on Nedarim 36 b, also includes our Mekilta in the name of Sifre (compare Ginzberg, *Geonica*, II, p. 307).

⁹ For this reference as well as for the reference to Rashi Job 38. 1 and Shabbat 146 a, I am indebted to my friend, Prof. L. Ginzberg, of the Jewish Theological Seminary in New York.

Perhaps the statement סתם ספרי רבי ישמעאל, made by R. Samson of Chinon in his *Sefer Keritut* (Leshon Limmudim, II, 13), is to be understood as referring only to the Mekilta, which the author considers as part of the Sifre and hence calls it by that name. Possibly the word לשמות has been omitted by mistake, and the statement should read in full סתם ספרי לשמות רבי ישמעאל (compare Z. Frankel, *Darke ha-Mishnah*, p. 309, and against him H. S. Horovitz, *Siphre D'be Rab* (Leipzig, 1917, Introduction, p. vi, note 4).

R. Solomon Ibn Adret, in his Novellae to Talmud Gittin 64 b, introduces a saying found in our Mekilta Mishpatim III (Friedmann 78 a) with the words, הכי איתא בספרי 'Thus it is found in Sifre'. R. Nissim b. Reuben Gerondi, in his Novellae Gittin, *l. c.*, also cites the same saying from the Mekilta with the remark, דהכי דרשין בספרי 'Thus we interpret in Sifre'.

Hasdai Crescas, who in the preface to his *Or Adonai* (p. 1 b-2 a) mentions the authors or redactors of the Mishnah, Tosefta, Sifra, Sifre, and the Palestinian and Babylonian Talmud, but does not mention the Mekilta, evidently also includes the latter in the Sifre.¹⁰

Let us now proceed to inquire into the meaning of the name Mekilta, and why it first was used as a description and then applied as a designation of the Midrash to Exodus. It is assumed by almost all scholars,¹¹ that מבילתא, the

¹⁰ I subsequently found that R. Joseph di Trani מהרי"ם, an author of the second half of the sixteenth century, also, occasionally applies the name Sifre to our Mekilta. In his Novellae to Kiddushin עברי בסוגיא דעבר (Fürth, 1768, p. 20 d), he refers to a passage in our Mekilta (Mishpatim I) with the remark, כדדרשי התם בספרי.

¹¹ To my knowledge Gudemann (*Monatsschrift*, 1870, p. 283) and Ginzberg (*Orient. Literaturzeitung*, *l. c.*), are the only ones who refused to accept this interpretation of the term Mekilta.

Aramaic equivalent for the Hebrew מרה, means 'rule' or 'method'. The plural מרות, meaning the exegetical rules by which the Torah was interpreted, מרוה שהתורה נדרשת בהן, became the name for the Midrashim, since they employ these methods or rules of interpretation. The Aramaic equivalent for מרות, i. e. Mekilata, the plural form of Mekilta, thus became the name of our Midrash (Zunz, *Gottesdienstliche Vorträge*, pp. 50-51; Friedmann, *Introduction to the Mekilta*, p. xxxii; Hoffmann, *Zur Einleitung*, etc., pp. 3, 37, and 71; compare also Frankel in *Monatschrift*, 1853, p. 392). According to this explanation of the meaning of the term Mekilta, the name would apply to all Midrashim alike. It must therefore be explained why it was applied to the Midrash to Exodus in particular. To meet this difficulty Friedmann offers the following explanation. The name Mekilta, indeed, was the original name for all the halakic Midrashim to the four books of the Pentateuch, Exodus, Leviticus, Numbers, and Deuteronomy. But after the Midrash to Leviticus received the special name ספרא, and after the two Midrashim to Numbers and Deuteronomy were joined together and given the special name ספרי, there was left only the Midrash to Exodus to be called by the original name Mekilta (*Introduction to Mekilta*, pp. xxxvi and xl). This explanation, however, must be rejected as utterly false. In the first place, it presupposes that Mekilta is the older name, and Sifra and Sifre are the younger ones. In this case we certainly should expect to find the older, original name mentioned in the Talmudic literature, where the two younger names are frequently mentioned. Secondly, it does not explain why just the other three Midrashim received new special names, and only the Midrash to Exodus was left to retain

the older name. But, above all, it is refuted by the fact that the Midrash to Exodus was also included in the Sifre, and called by that name even after the two Midrashim to Numbers and Deuteronomy had been joined together.

Just as untenable is the theory offered by Felix Perles (*Orientalistische Literaturzeitung*, 1909, No. 8, p. 355; comp. also *Kerem Hemed*, II, p. 195, and Geiger, *Nachgelassene Schriften*, II, p. 125). According to Perles, the Baraita of R. Ishmael, containing the thirteen rules, or *י"ג מדות שהתורה*, now found at the beginning of the Sifra, had originally its place at the beginning of the Midrash to Exodus. This, then, gave to the Midrash the name *מדות* = *מכילתא*. Later on, for reasons which can no more be ascertained, this Baraita of the thirteen rules was transferred to the beginning of the Sifra, but the name which it gave to the Midrash to Exodus remained with the latter nevertheless. Without entering into a discussion of the question whether or not the Baraita of the thirteen rules originally had its place in the Midrash to Exodus, it is evident that this could not have been the reason for giving the Midrash the name Mekilta. For the Baraita itself is nowhere called *מכילתא* or *מדות*, but is referred to as *מדרש רבי ישמעאל*.¹² Furthermore, we have seen that the name Mekilta was given to our Midrash not earlier than the eleventh century, and at that time the Midrash to Exodus did not contain the Baraita of the thirteen rules. Thus we see that even granting the premises that *מדות* was a technical term designating Midrashim, and that *מכילתא* is the Aramaic translation of this Hebrew technical term, even then it remains unexplained why our Midrash, once called Sifre

¹² *ספר האשכול הלכות תפלה*, pp. 7 and 8. For other references see Zunz, *op. cit.*, p. 53.

like the Midrashim to Numbers and Deuteronomy, should have received the name Mekilta as its special designation. As a matter of fact, however, these premises are not correct.

There is no proof for the statement that מדות is used in the Talmud as a technical term for Midrash. In those passages in the Talmud in which the term מדה or מדות is found as designating halakic teachings, it means collections of halakic teachings in Midrash form.¹³ It may possibly be interpreted to designate halakic collections in both Midrash and Mishnah form, but it cannot be interpreted to mean Midrash collections exclusively. Thus the saying of R. Simon b. Johai, בני שנו מדותי שמדותי (Gittin 67 a) means 'Study my halakic collections for they are the choice selections from the collections of R. Akiba'.¹⁴

Likewise the term מדותי של רבי אלעזר בן שמעון in Menahot 18 a simply means R. Eleazar's collections of halakic teachings. Judging from the context one must assume that these collections were Mishnah collections and not Midrashim.¹⁵

As to the meaning of the Aramaic term מכילתא, as used in the Talmud in referring to halakic teachings, it is even more evident that it was applied only to collections in Mishnah form, and never was used to designate Midrashim.¹⁶

For the sake of completeness, I will cite here all the passages in the Babylonian and Palestinian Talmud in

¹³ Compare Ginzberg, *l. c.*

¹⁴ Rashi explains it to refer to the Mishnah-collections of R. Akiba: למדו תורותי בחרתים ותרמתיים מתוך עיקרי משניותי של רבי עקיבא.

¹⁵ From Yebamot 84 b it is evident that Judah Hanasi studied with R. Eleazar b. Shamua Mishnah and not Midrash.

¹⁶ Compare Hoffmann, *Zur Einleitung in die Mekilta de-Rabbi Simeon b. Johai*, p. 2.

which the term מכילתא occurs, and it will be seen that in all of them the term designates a Mishnah or Baraita collection. In Pesahim 48 a it is said, that although in the Mishnah R. Eliezer is silent, and does not answer the argument of R. Joshua, it does not follow that he agrees with him, for his answer may be found in another collection, אימור שחיק ליה במתניתין ואהדר ליה במכילתא אחריתי. It is evident that Mekilta in this passage cannot mean Midrash, for then the qualifying term אחריתי would be entirely superfluous. It would be a sufficient contrast to say, he was silent in the Mishnah but answered in the Midrash. But Mekilta evidently means a collection of halakic teachings like our Mishnah, hence it is necessary to add the word אחריתי to indicate that the answer of R. Eliezer, though missing in our Mishnah, may be found in another Mishnah collection.

In the passage in Gittin 44 a, where R. Jeremiah says to R. Zerika במכילתיך פוק עיין, the term מכילתא cannot mean Midrash. It rather means, as Rashi explains it, במשנה, theסדרה לך, a collection of Mishnayot or Baraitot. And, indeed, the Baraita which R. Zerika, after some search did find, is a Mishnah-Baraita and not a Midrash-Baraita. Likewise, in the statement ר"ל מיפך אפיך והכי מותיב ממכילתא אחריתי (Temurah 33 a), the expression ממכילתא אחריתי cannot mean 'from another Midrash', as Zunz (*op. cit.*, p. 50) seems to assume. It merely means 'from another collection',¹⁷ or, as Rashi explains it, from another Baraita which he found דאשכח ברייתא אחריתי. And, indeed, the Baraita cited there is a Mishnah-Baraita, and not a Midrash-Baraita.

In the passage, בר נש דתני חדא מיכלא והוא אול לאתר ואינון מוקרין ליה בנין תרתי צריך מימר לון אנא חדא מיכלא אנא חכם

¹⁷ Tosafot s. v. ותני במכילתא אחריתי read רשב"ל, which means, he recited a Baraita, found in another collection; see below, note 21.

(p. Shebiit, X, p. 39 d), the term מִכְלָא evidently means tractate or מִסְכָּתָא¹⁸ or collection, but not of Midrash exclusively. The meaning of the saying is, that if the people honour him because they believe him to be learned or versed in two tractates or collections he must not accept this undeserved honour, but declare to them that he has studied or knows only one tractate or collection.

Likewise, in the statement אָפִיק ר' יאשיה מְכִילְתָּא (p. Abodah zarah, IV, p. 44 b) the term מְכִילְתָּא means a collection of halakic teachings. And the Baraita which R. Josiah cites from this collection is a Mishnah-Baraita and not a Midrash-Baraita.¹⁹

There is only one passage which would seem to lend support to the supposition that the term מִדּוֹת and its Aramaic equivalent מְכִילְתָּא were used to designate Midrashim, and this is the passage in the Midrash Leviticus R., III, i, which we shall now consider.

The passage reads, as follows : טוֹב מִי שְׁשׁוֹנָה שְׁנֵי סִדְרִים וְרִנִּיל בָּהֶם מִמֵּי שְׁשׁוֹנָה הַלְכוֹת וְאִינוּ רִגִּיל בָּהֶם אֶלָּא וְרַעוּת רוּחַ רַעוּתִיהָ דְּמִיתְקָרִי בֵּר הִילְכֵּן טוֹב מִי שְׁשׁוֹנָה הַלְכוֹת וְרִגִּיל בָּהֶם מִמֵּי שְׁהוּא שׁוֹנָה הַלְכוֹת וּמִדּוֹת וְאִינוּ רִגִּיל בָּהֶם אֶלָּא וְרַעוּת רוּחַ רַעוּתִיהָ דְּמִיתְקָרִי בֵּר מִכִּילְאֵן טוֹב מִי שְׁהוּא שׁוֹנָה הַלְכוֹת וּמִדּוֹת וְרִגִּיל בָּהֶם מִמֵּי שְׁהוּא שׁוֹנָה הַלְכוֹת וּמִדּוֹת וְתַלְמוּד וְאִינוּ רִגִּיל בָּהֶם אֶלָּא וְרַעוּת רוּחַ רַעוּתִיהָ דְּמִיתְקָרִי בֵּר אֹלְפֵן.

R. Nathan, in Aruk, s. v. מִד, quotes the second sentence of our Midrash וְרַעוּת רוּחַ רַעוּתִיהָ דְּמִיתְקָרִי which he comments on as follows : פִּירוּשׁ טוֹב מִי שְׁשׁוֹנָה מִשְׁנִיּוֹת וּמְכִילְתּוֹת כְּלוֹמֵר מִדְּרָשׁוֹת כַּעֲיִן :

¹⁸ So it is explained by Aruk s. v. מִכְלָא.

¹⁹ The fact that this Baraita is also found in our Mekilta does not in the least affect the correctness of our statement. The redactors of the halakic Midrashim have embodied in their works many Mishnah-Baraitot taken from other collections; see Hoffmann, *Zur Einleitung in die halachischen Midraschim*, p. 3.

מכילתא. Following this suggestion of Aruk, Zunz (*op. cit.*, p. 50), and after him Friedmann (*op. cit.*, p. xxxii), and Hoffmann (*op. cit.*, p. 3, note 5), and Bacher (*Terminologie*, I, p. 102) have understood the terms מדרות and מכילתא in this Midrash passage to mean Midrashim. They, accordingly, interpreted this Midrash to mean: 'It is better for one to study only two orders of the accepted Mishnah and be thoroughly familiar with them, than to study the entire Mishnah collection (הלכות being the designation of the accepted Mishnah of Judah ha-Nasi), and not be thoroughly familiar with it, merely to satisfy his ambition to be called a student of the Mishnah. It is better for one to study only the Mishnah and be thoroughly familiar with it, than to study the Mishnah and the Midrashim and not be thoroughly familiar with them, merely to satisfy his ambition to be called a student of the Midrashim. It is better for one to study only the Mishnah and the Midrashim and be thoroughly familiar with them, than to study the Mishnah and the Midrashim, and in addition to these also the Talmud (that is the Amoraic discussions and comments to the Tannaitic teachings) without being thoroughly familiar with them, merely to satisfy his ambition to be called a student of the Talmud.'

This interpretation of the Midrash passage, especially of the second sentence of it which concerns us, is not correct. According to this interpretation, the second sentence of the Midrash passage is out of keeping with the first and the third sentence, and logically not consistent with the main idea which the Midrash wishes to convey, viz. that it is better to study a small part thoroughly than to study a larger part superficially. In the first sentence the advice is given to the student rather to be content with a thorough knowledge

of but two orders, that is a part of the Mishnah, than to study superficially all the orders of the Mishnah merely because his ambition is to be called a student of the entire Mishnah and not of merely a part of it. The third sentence refers to one whose ambition is to be called a student of the Talmud, which requires a knowledge of both the Tannaitic teachings as well as the Amoraic comments on the same, for one cannot study a commentary without the text. The advice given to such a student, is, likewise, rather to content himself with a thorough knowledge of only a part of the Talmud, i. e. the Tannaitic teachings, than to study the whole of it superficially. The second sentence, in the meaning given to it by the interpretation of the scholars mentioned above, advises one, whose ambition it is to be called a student of Midrashim, not to try to study Mishnah and Midrashim superficially but rather to content himself with a thorough knowledge of the Mishnah. But it is just here where this interpretation is logically at fault. For Mishnah is not a part of the Midrashim, as, in the first sentence, the two orders are but a part of the entire Mishnah; or, as in the third sentence, the Tannaitic teachings are but a part of the Talmud. Furthermore, why should one whose ambition it is to be called a Midrash student, be supposed even to try to study both Mishnah and Midrashim?

It is therefore evident that the term *מדות* and *מכילאן* in this Midrash passage have the same meaning which we have found them to have in all the other passages of the Talmud where they occur. They merely designate collections of halakic teachings or Mishnah collections. The one whose ambition it is to be called a student versed in many different Mishnah-collections, will, of course, study the main collection, i. e. the accepted Mishnah, called *הלכות*.

But, he will also try to study in addition other collections. The advice is, therefore, given to him rather to content himself with a thorough knowledge of but one part of the Mishnah collections, i.e. the accepted Mishnah, than to study superficially all the various Mishnah collections.

Thus we find that the interpretation of the term *מכילתא* to mean a Midrash collection cannot be supported by any proof from the Talmudic Literature. For, as we have seen, in all the passages of the Talmud where the term is used it unmistakably refers to a collection of Halakot in Mishnah form. We have also found that even the passage in the Midrash Leviticus R. which Zunz considers as the most decisive support for his interpretation of the term *מכילתא*, does not at all decide in his favour, but rather favours the interpretation of the term as meaning halakic collections in Mishnah form and not Midrashim.

If we consult the post-Talmudic authorities as to the meaning of the term *מכילתא*, we likewise find that, with the exception of the one suggestion by Aruk cited above, the ancient authorities did not understand *מכילתא* to mean Midrash.

Thus, in the Gaonic responsum (Ginzberg, *Geonica*, II, p. 39) already referred to above, the Gaon²⁰ explains *מכילתא* to mean a compendium of choice Halakot collected from the entire Talmud and made into or arranged like one tractate or *מסכתא*. It should be noticed also that the questioners merely asked whether *מכילתא* means a whole tractate or merely a Baraita²¹ *מכילתיך מסכתא היא או ברייתא היא*.

²⁰ It was probably R. Zemah Gaon, since the latter's explanation of the term *מכילתא* as quoted by Johasin s. v. *זריקא* is identical with the one given in this responsum.

²¹ It is probably the observation that in some passages in the Talmud the

So it seems that it never occurred to them that מכילתא might possibly mean Midrash. We have seen above that Sherira Gaon uses the term מכילאתא in the sense of מסכתות. R. Nissim of Kairuan (cited by Aruk s.v. מכל) takes מכילתא to be like מנילתא, the Gimel and the Kaf being interchangeable. Accordingly he understood it to mean a scroll, containing a collection of Halakot.

The author of the Aruk himself (*l. c.*) gives two interpretations to the word מכילתא. According to the one it means a Baraita containing reasons or discussions of the Tannaim מסכתא בריתא שהיו בה מעמי התנאים. According to the other, it means a מסכתא or Tractate, just as the term מכלא in p. Shebiit, X, p. 39^d.

We have also seen that Rashi explains מכילתא to mean משנה סדורה, i. e. a well ordered or systematically arranged collection of Halakot or Mishnayot.

We accordingly find that with the exception of the one interpretation by Aruk, the ancient authorities interpret the word מכילתא to have the same meaning as the word מסכתא and to designate a Tractate or a compendium of Halakot.

This meaning of the word מכילתא is practically assumed by all rabbinical authorities from the eleventh century down to our own days. For, as is well known, the word מכילתא in the sense of מסכתא is frequently found in works of Rabbinic authors, and is used to refer to any tractate

term מכילתא apparently is applied even when only one statement from a collection, i. e. one Baraita, is referred to, that caused them to think that מכילתא might possibly mean a single בריתא. As a matter of fact, however, the reference in such passages is really to the collection from which the Baraita is quoted. Thus the phrase מותיב ממכילתא אחריתי in Temurah 33a really means, he argues from a Baraita found in another collection. The improved reading offered by Tosafot there (see above, note 17) makes this meaning still clearer.

of either Mishnah or Tosefta, Palestinian or Babylonian Talmud.

This fact certainly supports the supposition that the original meaning of the term מכילתא was like מסכתא. Had the term מכילתא been originally used to designate Midrash exclusively, one could hardly explain how the later rabbinic authorities came to use it so extensively when referring to the tractates of the Mishnah and the Talmud.

Having ascertained the meaning of the term מכילתא and especially the sense in which it was used at the time when it was first applied as a description of the Midrash to Exodus, we can now proceed to answer the third and last question of our problem, viz. does the name מכילתא express a special characteristic of the Midrash to Exodus, so that it could justly be applied to it as its special designation? For it is evident that the meaning of the name מכילתא as given to our Midrash is the same as the meaning which this term has in the Talmud, and in which it is used by the post-talmudic rabbinic authorities. Now, we find, indeed, that our Midrash possesses a peculiar characteristic or one special feature which distinguishes it from the other Midrashim of its class, especially from the Sifre to which it originally belonged, and which entitles it to the specific designation מכילתא. This special feature of our Midrash consists of its peculiar arrangement according to tractates or מסכתות.

The Midrash to Exodus consists of nine tractates. Each one of these tractates forms a separate collection or an independent treatise, dealing with one topic or one group of laws or one event or period in the history of Israel as recorded in the book of Exodus. Each one of these tractates is called מסכתא, e.g. מסכתא דשירתא, &c.

It is divided in chapters and each chapter is subdivided in paragraphs called הלכות.²² Thus, in form and arrangement, these tractates, constituting our Midrash, are not in any way different from the tractates of the Mishnah or Tosefta even though their contents form a continuous commentary or Midrash to a large part of the book of Exodus.

It was because of this peculiar feature that the description מכילתא was used when referring to this Midrash. Its name was ספרי like the Midrash to Numbers and Deuteronomy, but occasionally, as in the case of the Saadya-fragment, the description מכילתא 'Tractates' was used instead of its real name ספרי. But, since this description was not definite, as it might refer to another group of tractates, the words דואלה שמות were added to indicate which group of tractates was meant, viz. the one belonging to, or dealing with, the book of Exodus. Gradually this substitution of the description מכילתא instead of the real name ספרי came more and more into use, but for a long time it did not supplant the name Sifre. Hence we understand how authorities like Rashi, the Tosafists, and others refer to our Midrash both as Sifre and as Mekilta. For they retained the original name of our Midrash which was Sifre. But when they wished to make clear that they refer to the part of Sifre, dealing with Exodus, they would describe it by its characteristic feature as consisting of a group of tractates and would use the description מכילתא, or מכילתין, or מכילתי. They used the plural form when referring to the Midrash as a whole,

²² In the editions of the Mekilta the marks for these subdivisions have been entirely obliterated. The manuscripts still show traces of the subdivision of the פרקים into הלכות. More about this in the article dealing with the arrangement and the divisions of the Mekilta which will appear in a subsequent issue of this REVIEW.

for it consists of a group of tractates.²³ Occasionally, however, when referring to one of the tractates of our Midrash from which they quoted a saying, and not to the Midrash in its entirety, they would use the singular form. This singular form is sometimes used with the suffix of the third person masculine as במכילתיה.²⁴ This is not shortened from במכילתיה דרבי ישמעאל as Friedmann (*l.c.*, p. xxxiii) assumes. The suffix points to the subject under discussion

²³ The correct pronunciation of the name is מְכִילָתָא Mekilata and not מְכִילְתָּא Mekilta. Not only do the plural forms מכילתי, מכילתינ, and מכילתן point to such a pronunciation, but we have direct evidence from mediaeval authorities for the plural form. Narboni mentions our Midrash under the name of מכילתא in the plural form (see Brüll, *Jahrbücher*, IV, p. 164). The doubt raised by Ginzberg (*Orient. Liter.*, *l.c.*) on the ground that in Midrash Tehillim 36 (Buber, p. 252) the singular form במדת רבי יוחאי occurs, can easily be removed. The reference there is to one collection of R. Simon b. Johai, hence the singular is used. But the name of our Midrash was given to it because it consists of many collections or tractates, hence it is to be pronounced in the plural form. In a letter Ginzberg calls my attention to the fact that Azobi in his קערת כסף also gives the name of our Midrash in the plural form. The expression המכילתא מגדת (Lekah Tob to Exodus 16. 1, Buber 52 a) does not prove anything against the plural form of the name, for the reference there is to the one particular tractate of the Mekilta where the quoted saying occurs. The expression מה שאומר המכילתא (in הלכות תפלין תקל"א) is probably shortened from מה שאומר בעל המכילתא, or it should read מה שאומר במכילתא as in the same paragraph, referring to the same quotation, Or Zarua actually uses the expression דאמר במכילתא. It cannot be denied, however, that already at a very early time the name was erroneously pronounced in the singular. Thus in the colophon at the end of the Mekilta the name is evidently used in the singular form. In the editions the colophon begins with the words חסלת מכילתא, and in the manuscripts it begins with the words סליק מכילתא or סליק מכילתא כולה, all of them using the singular form of the verb, which shows that they read the name Mekilta in the singular. This may have been originally due to a mistake by the copyists. The mistake was then accepted by many so that it became customary to pronounce the name in the singular form, Mekilta.

²⁴ Thus frequently in סמ"ג, but also found in ספר חסידים.

or the saying quoted, and במכילתיה means 'in the respective tractate', i. e. in that Tractate of the Midrash in which the subject in question is discussed or the quoted saying found.²⁵ In the majority of instances, however, reference is made to the Midrash as a whole, and the plural form of the description מכילתא or מכילתין 'the Tractates' is used. In the course of time this description was so frequently used as to cause the real name of our Midrash, Sifre, to fall into disuse. The description מכילתא then became the specific designation and the sole name of our Midrash.

As regards the second part of the name of our Midrash, i. e. דרבי ישמעאל, it certainly does not mean to say that R. Ishmael was the author of our Midrash. This additional name was given to our Midrash because it begins with the words רבי ישמעאל (see Zunz, *op. cit.*, p. 51, note c). Just as the Mekilta of R. Simon b. Johai receives its name from its opening words: רבי שמעון בן יוחאי אומר (see Hoffmann, *Zur Einleitung in die Mechilta de-Rabbi Simon ben Jochai*, Frankfurt a. M., 1906, p. 6), in the same way the work היכולת was called רבי ישמעאל (Or Zarua, I, p. 40) because it begins with the words אמר רבי ישמעאל, and the Midrash Rabbah to Genesis is called by some authorities,

²⁵ In a different manner does R. Menahem b. Salomo (first half of the twelfth century) distinguish between the entire work of the Mekilta and the individual tractates which compose it. In his Midrash Sechel Tob (ed. Buber, Berlin, 1900) he mentions our Mekilta by the name of מכילתא (to be pronounced in the plural Mekilata). However, when referring to one tractate of the Mekilta, and not to the collection as a whole, he simply uses the term מסכתא. Thus on p. 154 he uses the expressions כדרשינן במסכתא ומפרש להו במסכתין, referring to the Tractate of the Mekilta, where the passages are found. This further proves that the meaning of the term מכילתא when used as the name for our Midrash is identical with the term מסכתא.

בראשית דרבי הושעיה, because it begins with the words רבי הושעיה רבה פתח (see Zunz, *op. cit.*, p. 184).²⁶

²⁶ For the sake of completeness I wish to call attention to a peculiar designation applied to our Midrash, or to parts thereof, by some mediaeval authors. In פירוש מסכת משקין לרבינו שלמה בן היתום, ed. H. P. Chajes, Berlin, 1909, p. 31, our Midrash is referred to as במכילתא דסניא. The Karaite Judah Hadasi in his אשכול הכופר, p. 36 a refers to our Midrash under the name of מכילתא דסיינא. The meaning of these two terms דסיינא and דסניא, which are probably identical, has not been satisfactorily explained, see Chajes, *l. c.*, and in his Introduction, p. xxii. Chajes is inclined to think that in both instances the Mekilta de-Rabbi Simon b. Johai, and not our Mekilta, is referred to.

In the Munich Manuscript (codex Hebr. 117) the Mekilta is erroneously described as אלה שמות רבה. Thus the copyist has written in the beginning the following words בשם אלהי בשמחה אתחיל ואסיים באלה שמות רבה. This is due merely to a mistake on the part of the copyist, a mistake which can easily be explained. The codex contains the Mekilta and the Midrash Wayikra Rabbah and other Midrashim. These, in all likelihood, had been the contents of the original from which this codex was copied. The copyist, noticing that the Midrash Wayikra Rabbah was preceded by a Midrash to Exodus, erroneously took the latter to be the Midrash Exodus Rabbah.